

**4150. Misbranding of "Johnson's Chill and Fever Tonic." U. S. \* \* \* v. The Johnson's Chill and Fever Tonic Co., a corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 6184. I. S. Nos. 6056-e, 7068-e.)**

On July 17, 1915, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Johnson's Chill and Fever Tonic Co., a corporation, Savannah, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 21, 1912, from the State of Georgia into the State of North Carolina, and on October 31, 1912, from the State of Georgia into the State of Florida, of quantities of "Johnson's Chill and Fever Tonic" which was misbranded. The article was labeled: (On carton) "Johnson's Chill and Fever Tonic (Trade Mark) The Texas Cure A Guaranteed Remedy for the following diseases: 1st—Chills and Fever, 2d—Bilious Fever, 3d—Dengue Fever, 4th—Hemorrhagic Fever, 5th—Typhoid Fever, 6th—Swamp Fever, 7th—Measles, 8th—Neuralgia, 9th—La Grippe, Price 50 Cents Sole Manufacturer The Johnson's Chill and Fever Tonic Co. Savannah, Ga. Registered in Patent Office." (On back of carton) "'Brookside, Ala., May 4, 1903. The two physicians here had three very obstinate cases of continued Malarial Fever. All three were Italians and lived on a creek about 50 yards from my store. These cases were of three months' standing, their temperature ranging from 100 to 104. The doctors had tried everything in vain. I persuaded them to let me try Johnson's Tonic. I removed all the printed matter and let the medicine go out in a plain bottle as a regular prescription. The effect in all three cases was immediate and permanent. They recovered rapidly and there was no recurrence of the Fever.' L. R. Shiflett. Contains No Alcohol, No Quinine, No Arsenic, No Mercury, No Aconite, No Strychnine, No Veratrum, No Acetanilid, No Antipyrine, No Phenacetine, A Simple, harmless remedy with superb and splendid control over all forms of Fever. Reducing the temperature only by expelling the producing cause. Use no Heart Depressants Gives Appetite Renews Health Restores Vitality. We believe it to be 100 times better than Quinine, 100 years ahead of the Times." (On sides of carton) "Hear What a Conscientious Doctor Says. A Letter from Graniteville, S. C. 'At the age of 50, with 25 years of active practice, I am a careful observer and cautious in endorsing proprietary medicines, but I can conscientiously endorse your Johnson's Chill and Fever Tonic as one of the best combination remedies for Chill and Fever I have ever used. It corrects the vitiated secretions of the liver, relieves costiveness, and promotes the absorption and assimilation of food, thus fulfilling all the indications claimed for it. Yours truly, T. P. Elwards, M. D.' 'Office of Caldwell Commission Co., Chicago, Ill., January 21st, 1890. Dear Sir—My son, a man of thirty years, was attacked with La Grippe, and believing it to be of malarial origin, took your Johnson's Tonic as directed for Chills and Fever. The result was he escaped the Fever which follows the severe aching, and was able to be at work the second day. I was taken with the disease. Every bone in me began to ache, and my suffering was great. I was compelled to go home and to bed. I fully expected to be there a week. My son told me of his experience, and urged me to take Johnson's Chill and Fever Tonic. I did so—took it with regularity all through the night—and was agreeably surprised to see that no Fever came. I continued until I had taken eight doses—felt weak and exhausted, but no fever, and aching disappeared. Next morning I had a good appetite for my breakfast, and felt quite well, and went to my business as well as I ever was. Since then I have tried it with like results on two other cases. Yours truly, W. W. Caldwell, President and

Manager! A Positive Guarantee What we mean by a Positive Guarantee is this: If this particular bottle of Johnson's Chill and Fever Tonic does not cure you and please you in every way, then the dealer from whom you bought it is authorized by us to give you back your money and should he decline to do so, make your claim on us and we will pay it. We require no written statements, no affidavits and no proof. We never ask questions but we always pay claims promptly. The Johnson's Chill and Fever Tonic Co., Savannah, Ga." (On top flap) "Guaranteed by The Johnson's Chill and Fever Tonic Co., under the Food and Drugs Act, June 30, 1906, Serial No. 3943. We are earnest, sincere and personal believers in Johnson's Chill and Fever Tonic Co., Savannah, Ga." (On bottom flap) "We Believe this is The World's Greatest Fever Medicine." (On bottle) "Johnson's Chill and Fever Tonic Guaranteed by the Johnson's Chill & Fever Tonic Co., under the Food and Drugs Act, June 30th, 1906. Serial No. 3943. (Trade Mark) The Texas Cure Directions—For an adult, 2 teaspoonfuls every three hours; for children between 10 and 14 years of age, 1½ teaspoonfuls; between 6 and 10 years, 1 teaspoonful; for children under 6 years, according to age. After the fever is broken, continue as a tonic in half the above doses, 3 times a day. Shake the Bottle. Price, 50 Cents. Sole Manufacturers The Johnson's Chill & Fever Tonic Co. Savannah, Ga. (Registered in Patent Office)." (Blown in bottle) "Johnson's Chill and Fever Tonic." The booklet accompanying the article included, among other things, the following statements: "At Cedartown, Ga., a man lost a child with Typhoid Fever and saw an advertisement of ours in the Christian Advocate and wrote and asked us if the Tonic would cure Typhoid Fever. We told him it would. He sent for a bottle for his second child and it cured him. Then he was taken sick with the same Fever and the Tonic cured him." "At Conway, Ark., a malignant type of Fever was proving extremely fatal. Call it Typhoid or Typhus or Typho-Malarial, or just plain Continued Fever—never mind what you call it—it killed. And then a Doctor wrote to us that he never lost a case or had any trouble after beginning the use of Johnson's Tonic."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the product to be an aqueous solution of magnesium sulphate and cinchonine hydrochlorid.

Misbranding of the article was alleged in the information for the reason that the following statement regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, "A Guaranteed Remedy for the following diseases: \* \* \* Dengue Fever, \* \* \* Typhoid Fever, \* \* \* Measles, \* \* \* La Grippe," was false and fraudulent in that the same was applied to said article knowingly and in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that the article in whole or in part was composed of, or contained, ingredients or medicinal agents, effective, among other things, as a remedy for dengue fever, typhoid fever, measles and grippe; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for dengue fever, or typhoid fever, or measles, or grippe. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article, included in the booklet aforesaid, to wit, "\* \* \* a man lost a child with Typhoid Fever and saw an advertisement of ours in the Christian Advocate and wrote and asked us if the Tonic would cure Typhoid Fever. We told him it would. He sent for a bottle for his second child and it cured him. Then he was taken

sick with the same Fever and the Tonic cured him," "\* \* \* a malignant type of Fever was proving extremely fatal. Call it Typhoid or Typhus or Typho-Malarial, or just plain Continued Fever—never mind what you call it—it killed. And then a Doctor wrote to us that he never lost a case or had any trouble after beginning the use of Johnson's Tonic," were false and fraudulent in that, by means of the said booklet, they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a cure for typhoid fever; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a cure for typhoid fever. Misbranding was alleged for the further reason that the package of the article bore another statement regarding the therapeutic or curative effects thereof, to wit, "\* \* \* my whole family of children were taken down with Typhoid Fever and we began at once with the Tonic and it cured every one of them," said statement being incorporated in the booklet aforesaid, in manner and form as follows, to wit, "Birmingham, Ala., May 2, 1910. Have already written to you of my experience with Johnson's Tonic four years ago, but I am again deeply indebted to the Tonic and feel it my duty to state that my whole family of children were taken down with Typhoid Fever and we began at once with the Tonic and it cured every one of them. Yours truly, W. E. Wrye, Engineer L. & N. R. R.," which said statement was false and fraudulent in that it was applied to said article knowingly and in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a cure for typhoid fever; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a cure for typhoid fever.

On August 21, 1915, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

CARL VBROOMAN, *Acting Secretary of Agriculture.*